

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

BANK OF AMERICA, N.A.,

Plaintiff,

v.

KIRBY WESTHEIMER *et al.*,

Defendants.

---

Civil Action No. 12-7080 (JAP)

**ORDER**

Presently before the Court is Plaintiff's motion to dismiss Defendant's Counterclaim and Plaintiff's motion for summary judgment on its mortgage foreclosure action [docket # 17]. For the reasons set forth in the accompanying Opinion,

**IT IS** on this 28th day of February, 2014,

**ORDERED** that Plaintiff's Motion to Dismiss Defendant's Counterclaim is **GRANTED**; and it is further

**ORDERED** that Plaintiff's Motion for Summary Judgment on the Complaint is **GRANTED**.

/s/ Joel A. Pisano  
\_\_\_\_\_  
JOEL A. PISANO  
United States District Judge